



UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

TRUSTEES FOR THE MASON TENDERS  
DISTRICT COUNCIL WELFARE FUND,  
PENSION FUND, ANNUITY FUND, AND  
TRAINING PROGRAM FUND, et al.,

Petitioners,

-against-

SEAGULL SERVICE CORP., *doing business*  
*as* SEAGULL CONSTRUCTION SERVICES,

Respondent.

18-CV-5824 (VSB) (BCM)

**ORDER**

**BARBARA MOSES, United States Magistrate Judge.**

The petition in this action, filed on June 27, 2018 (Dkt. No. 1), which seeks to confirm an arbitration award (Dkt. No. 1-1) issued against respondent Seagull Service Corp., doing business as Seagull Construction Services (Seagull), alleges that Seagull was "at all relevant times" a party to a "DASNY Renovation and Rehabilitation" Project Labor Agreement (PLA) between the Dormitory Authority of the State of New York and the Building and Construction Trades Council of New York and Vicinity. Pet. ¶ 6. In the declaration of attorney Haluk Savei, dated August 16, 2018 (Dkt. No. 10), Haluk refers instead to a Project Labor Agreement Covering New Construction of Identified City Owned Building and Structures, which he apparently intended to attach as Exhibit 2. Haluk further attests that "Vicole Martinez, President of Seagull, executed a letter of asset on behalf of Respondent agreeing among other things to be bound to the terms and conditions of the PLA for work at LaGuardia Community College[.]" *Id.* ¶ 7.

Petitioners have not submitted any Project Labor Agreement to the Court. Exhibits 1 and 2 to the Haluk declaration (Dkt. Nos. 10-1, 10-2) are two versions of petitioners' Collective Bargaining Agreement, the first of which is signed by a representative from "Seaboard Construction." Nor have petitioners submitted the referenced "letter of assent" by which Seagull allegedly agreed to abide by the PLA's terms.

It is hereby ORDERED that, no later than **May 8, 2020**, petitioners shall submit a supplemental declaration attaching a copy of the PLA to which they contend Seagull was bound, as well as the letter of assent signed by or on behalf of respondent. To the extent petitioners cannot or will not submit those documents, they shall file a letter, not exceeding three pages, addressing the impact of their absence from this confirmation proceeding.

Dated: New York, New York  
April 28, 2020

**SO ORDERED.**

A handwritten signature in blue ink, appearing to read "Barbara Moses".

**BARBARA MOSES**  
United States Magistrate Judge